

REMARKS

This communication is submitted in response to the non-final Office Action dated December 19, 2005. Claims 1, 2 and 4-36 are currently pending in this application. Claims 1, 21, 28 and 32 are independent. Claims 3 and 37 are canceled.

The Office Action objects to the drawings for failing to include reference numeral 112, and for including reference characters 102, 116, 300, 314, 320 and 400, which do not appear in the specification. Applicants have concurrently filed replacement drawings that address these drawing objections.

In accordance with the Examiner's suggestions regarding the renumbering of claims, Applicants have: (1) amended claims 29-31 to depend from claim 28; (2) amended claims 33-35 to depend from claim 32; and (3) amended claim 36 to depend from claim 35.

Rejection Under 35 U.S.C. § 112, second paragraph

Claim 18 is rejected under 35 U.S.C. § 112, second paragraph for failing to provide antecedent basis for the instant messaging server and the instant messaging service. Applicants have amended claim 18 to provide proper antecedent basis for these claim elements, thereby obviating the rejection.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-25, 27-29 and 32-37 are rejected as being anticipated by Mitsuoka, U.S. Patent App. No. 2002/0026355 ("Mitsuoka").

The present invention provides systems and methods for Real-time Instant Presence with Advertisement (RIPA) using an instant messaging topology with wireless technology to instantly setup and update presence information of an instant messaging user. The systems and methods provide location information of a business and other business information to a wireless instant messaging user/customer of the business, and further provide methods for promotion, advertising and network marketing of a business using presence information sent to instant messaging users and instantly propagated through instant messaging address lists.

Independent claim 1 has been amended to recite a method of establishing presence information, wherein the presence information is received by the wireless device of the first instant messaging user "in response to a single action performed by said first instant

messaging user". By way of example, this single action may comprise clicking on a key or pushing a button. The Office Action indicates that the single action for receiving presence information is taught in Matsuoka paragraph [0023], which sets forth an "icon set" button for a Web Page of an advertiser. When a user clicks the button, a user terminal accesses the awareness device and passes the icon file name, and the awareness device adds the passed icon file name to owned icons of the requesting user. In other words, Matsuoka paragraph [0023] teaches a method for adding icons to a list of owned icons by a use. By contrast, claim 1 calls for a method of establishing presence information, "wherein the presence information is received by the wireless device of the first instant messaging user in response to a single action performed by said first instant messaging user".

Independent claim 21 has been amended to recite "a statistics component to receive and store statistic reports on activity of said instant messaging user in selecting said business information of said business". The Office Action indicates that Mitsuoka paragraph [0202] discloses this limitation. However, this paragraph merely sets forth that "(t)he advertiser terminal 3 accesses the HTTP server 11 at predetermined period e.g. every one month (#95), reads the reference count DB 14 with the charge module 19 (#96, #97), and obtains the reference count of their own company of the month (#98)." This has nothing to do with a statistics component to receive and store statistic reports on activity of instant messaging users in selecting business information, as required by claim 21 as amended.

Independent claim 28 recites a method of advertising comprising: (1) sending presence information to a visiting instant messaging user who visits a business and to one or more instant messaging users who list said visitor on an instant messaging address list; and (2) displaying part of said presence information to said visiting instant messaging user and to said one or more instant messenger users, wherein said part of said presence information includes a link to advertisements for said business. The Office Action points to Mitsuoka paragraphs [0016-0018] and [0026-0027] as teaching the claim limitations. However, Mitsuoka in general, and these paragraphs in particular, do not disclose sending presence information to a "visiting instant messaging user" who "visits a business" and to "one or more instant messaging users who list said visitor on an instant messaging address list". Moreover, Mitsuoka fails to teach displaying part of the presence information to a "visiting instant messaging user" and to said one

or more instant messenger users, wherein said part of said presence information includes a "link to advertisements for said business".

Independent claim 32 recites a system for real time instant presence with advertising, wherein: (1) each of the additional instant messaging user devices has an instant messaging address list containing the instant messaging identity of the first instant messaging user; and (2) wherein the address list is controlled by the additional instant messaging users and the presence information displayed for said members of the address list is under control of the instant messaging client software. Neither of these recitations is disclosed by Mitsuoka. The Office Action indicates that the first recitation is taught in paragraph [0127] of Mitsuoka. However, this paragraph merely provides that "users can copy icons that the users do not own from status icon display of other users in a buddy list and add them to owned icons." This does not expressly or implicitly indicate that "each of the additional instant messaging user devices has an instant messaging address list containing the instant messaging identity of the first instant messaging user," as recited in claim 32. In addition, there is no indication by Mitsuoka that the address list is controlled by the additional instant messaging users and that the presence information is displayed for the members of the address list, as also recited in claim 32.

In view of the above, it is respectfully submitted that Mitsuoka fails to anticipate independent claims 1, 21, 28 and 32. Claims 2, 4-20, 22-27, 29-31 and 33-36 are not anticipated by Mitsuoka by virtue of their dependence from one of the independent claims.

Rejection Under 35 U.S.C. § 103(a)

Claim 26 is rejected as being unpatentable over Mitsuoka. Claim 26 depends from independent claim 21, which is distinguished from Mitsuoka as set forth hereinabove.

In view of the above, it is respectfully submitted that Mitsuoka fails to render obvious claim 26.

Claims 30 and 31 are rejected as being unpatentable over Mitsuoka in view of Otani U.S. Patent App. No. 2002/0065718. Claims 30 and 31 depend from independent claim 28, which is distinguished from Mitsuoka as set forth hereinabove. Otani fails to cure the deficiencies of Mitsuoka.

In view of the above, it is respectfully submitted that Mitsuoka in view of Otani fails to render obvious claims 39 and 31.

Conclusion

Based on the foregoing, favorable reconsideration and allowance of claims 1-36 is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 19-1853 for any additional required fees.

Respectfully submitted,

Date: June 13, 2006


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